THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No.5553 of 2006

ORDER:

It is the case of the petitioners that all they are owners of various portions of the Garages in Kantisikhara Residential Apartments situated at Panjagutta, Hyderabad and they question the impugned notice issued by the 2nd respondent in Lr.No.707/TPS/C5/MCH/2006, dated 17-3-2006.

A perusal of the notice goes to show that Under Regulations No.11 of Zoning Regulations of 1981 and Regulations 12 of Multistoried Buildings Regulations 1981 and similarly under the provisions of the Hyderbad Municipal Corporation Act 1955 and the rules made thereunder, parking space must be mandatory provided in apartments, Group Housing Complex, commercial complex, Multi-storied buildings, etc, and the constructions shall be in accordance with the sanctioned plan. Whereas, it is noticed that they have made constructions not covered by the sanctioned plan and converted parking space into Cellar floor/stilt floor for the purpose of shops/residential flat other than parking and carried out the said construction which is unauthorized and causing lot of inconvenience not only to the inmates but also to the visitors of the building, resulting in vehicles being parked on the roads creating a lot of traffic congestion causing accidents and public nuisance. Accordingly, the respondents directed the petitioners to remove the unauthorized structure congested in stilt/Cellar/Sub-cellar within (3) days. It is stated that the notice impugned has been issued without giving any opportunity with regard to the violation of parking into shops etc.

Having regard to the facts and circumstances of the case, the

impugned notice dated 17-3-2006 in Lr.No.707/TPSC5/MCH/2006 is directed to be treated as a show cause notice only permitting the petitioners to file a representation/explanation within one week from the date of receipt of a copy of this order and till such representation/explanation is considered and appropriate orders are passed and communicated to the petitioners, the respondents shall not remove or demolish the premises of the petitioners.

Accordingly, the Writ Petition is disposed of at the stage of admission.

21st March, 2006.

mrb